

**FILED**

OCT 19 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: John D. Hugelmeyer  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

BRYAN BAJAKIAN, D.C.  
License No. 38MC00262100

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER BY DEFAULT  
ON NOTICE OF MOTION FOR  
DEFAULT AND ENTRY OF  
DEFAULT JUDGMENT

This matter was opened to the Board of Chiropractic Examiners upon the filing of a Notice of Motion for Default and entry of Default Judgment against Bryan Bajakian, D.C. (hereinafter referred to as "Respondent") for failure to plead or otherwise defend against the charges and relief requested in the Amended Verified Complaint, and for such other relief as the Board might deem appropriate pursuant to N.J.S.A. 45:1-25. The Notice of Motion with exhibits, including the Amended Verified Complaint, was served upon the Respondent personally on June 4, 2010 at the Visitation Room of Mid State Correctional Facility, Wrightstown, New Jersey. That Notice (incorporated by reference as if fully set forth herein), indicated that should Respondent elect not to appear by person authorized to act in his behalf at the scheduled hearing, or otherwise fail to respond to the charges, the Board may entertain the motion on the documents presented and enter an Order for any or all of the relief requested. Respondent failed to file an Answer to the Amended Verified Complaint or to otherwise respond to the charges.

By letter to the Executive Director of the Board, via email dated September 22, 2010, E. Vicki Arians, Esq. entered her appearance on behalf of Respondent for the limited purpose of requesting an adjournment of the motion for default. On September 23, 2010, the return date of the motion, the Board heard argument from Ms. Arians via telephone for that limited purpose, as she did not represent Respondent on the underlying charges. Ms. Arians argued that the State had not afforded Respondent an adequate opportunity to be heard, because she was unsure that he had been properly served with the Amended Verified Complaint. In addition, Ms. Arians asserted that Respondent did not pose a threat to consumers due to his incarceration. In rejoinder, the Attorney General offered proof of personal service of the moving papers, including the Amended Verified Complaint, upon Respondent more than three and one half months before the return date of the motion.

The Board denied Respondent's belated request for an adjournment and found that Respondent had been adequately served and was in default for failure to answer the complaint. Having reviewed the moving documents, the Board concluded, as alleged in the Amended Verified Complaint, that Respondent had entered a plea of guilty on October 29, 2008 in the Superior Court of New Jersey, Law Division, Criminal Part, Passaic County to Count 1 of Indictment #08-03-00383-I on the charge of luring or enticing a child, in violation of N.J.S.A. 2C:13-6 in the 2<sup>nd</sup> degree; that Respondent had pleaded guilty to Count 8 of that Indictment on the charge of luring or enticing a child, in violation of N.J.S.A. 2C:13-6 in the 2<sup>nd</sup> degree; and that Respondent had pleaded guilty to Count 6 of that Indictment on the charge of possessing assault firearms, in violation of N.J.S.A. 2C:39-5f in the 3<sup>rd</sup> degree.

The Amended Verified Complaint also alleges, and the Board finds, that Respondent engaged in sexual misconduct toward a patient with whom he communicated on the Internet known to him as JennyHar1986; that Respondent attempted to lure children known to him via the Internet as: Yngcuriusgirl15 and CuteNorthernGrl17, to meet with him for purposes of engaging in criminal sexual contact; and that Respondent engaged in conduct of a sexual nature over the Internet that would impair or debauch the morals of six children known to him as: Yngcuriusgirl15, CuteNorthernGrl17, Trishcoming4u, Carolina2blue3, Hollie1025, and KallieBabe50.

In addition, the Board finds, as alleged in the Amended Verified Complaint, that Respondent

maintained in his possession child pornography, and that he repeatedly violated the Interim Consent Order of the Board, dated September 15, 2005, by providing care to patients under the age of eighteen without the presence of a monitor approved by the Board as required.

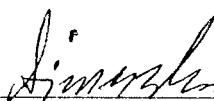
Having concluded that Respondent violated N.J.S.A. 45:1-21(f); that he engaged in professional and sexual misconduct, contrary to N.J.S.A. 45:1-21(e) and (h), and for good cause shown:

IT IS ON THIS 18<sup>th</sup> DAY OF October, 2010

ORDERED as follows:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, revoked.
2. Respondent shall pay costs and attorneys fees, pursuant to N.J.S.A. 45:1-25(d) in the total amount of \$41,792.00. Payment shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Jonathan Eisenmenger, Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101 within thirty (30) days of receipt of this Order.
3. Failure to remit any and all payments as required by this Order will result in the filing of a Certificate of Debt and may result in further proceedings pursuant to N.J.S.A. 45:1-21 as failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

 DC 10/18/10  
Michael B. Krouse, D.C.  
Board President



**FILED**

JUN 02 2010

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW  
PO Box 45029  
NEWARK, NJ 07101  
June 2, 2010

NEW JERSEY BOARD OF CHIROPRACTIC EXAMINERS  
PAULA T. DOW  
Attorney General

ROBERT M. HANNA  
Director

via Hand Delivery

State Board of Chiropractic Examiners  
Attn: Jonathan Eisenmenger, Executive Director  
124 Halsey, 6<sup>th</sup> Floor  
P.O. Box 45004  
Newark, New Jersey 07101

Re: I/M/O Bryan Bajakian, D.C.

Dear Mr. Eisenmenger:

Enclosed for filing, please find an original and one (1) copy of an Notice of Motion for Default and Default Judgment, Certification of Counsel, and Letter Brief dated June 2, 2010 and returnable before the Board on September 23, 2010 at 10 a.m. The Attorney General seeks the relief set forth in the Attorney General's Amended Verified Complaint for sanctions against Respondent's license and such further relief as the Board shall deem appropriate pursuant to N.J.S.A. 45:1-25. Kindly mark the above pleadings "filed" and return a copy to the undersigned.

By copy of this letter, and by personal service, I am providing notice to Bryan Bajakian, D.C. of the within filing.

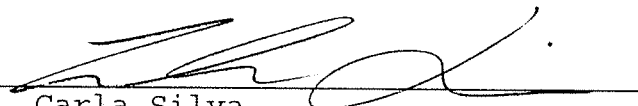


June 2, 2010  
Page 2

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Carla Silva  
Deputy Attorney General

Enclosures

cc: Bryan Bajakian, D.C. (Via Personal Service)  
Sandra Dick, Section Chief, CAC (Via Hand Delivery)

**FILED**

JUN 02 2010

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

By: Carla Silva  
Deputy Attorney General  
Tel: (973) 648-4741

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
:	:
BRYAN BAJAKIAN, D.C. :	:
LICENSE NO. 38MC00262100 :	NOTICE OF MOTION FOR DEFAULT
:	AND DEFAULT JUDGMENT
TO PRACTICE CHIROPRACTIC IN :	:
THE STATE OF NEW JERSEY :	:
_____ :	:

TO: Bryan Bajakian, D.C.  
Mid-State Correctional Facility Annex  
Satellite Facility of Central Reception  
and Assignment Facility  
P.O. Box 866  
Wrightstown, New Jersey 08562

PLEASE TAKE NOTICE that on Thursday, September 23, 2010, at 10 a.m., or as soon thereafter as counsel may be heard, the undersigned shall move before the New Jersey State Board of Chiropractic Examiners at 124 Halsey Street, 6<sup>th</sup> Floor, Somerset Conference Room, Newark, New Jersey, for an Order granting Default and Default Judgment against Bryan Bajakian, D.C. for failure to plead or otherwise defend, and for the relief requested in the

Verified Complaint and such further relief as the Board shall deem appropriate pursuant to N.J.S.A. 45:1-25.

PLEASE TAKE FURTHER NOTICE that the Attorney General will rely upon the Certification of Carla Silva, D.A.G., the Exhibits annexed thereto, and the accompanying Letter Brief in support of this Motion for Default and Default Judgment.

PLEASE TAKE FURTHER NOTICE that the Board may, in its discretion, upon the failure of a response by Bryan Bajakian, D.C., or a person authorized to act in his behalf, entertain the within motion on the documents presented and enter an Order for any or all of the relief requested.

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By:

A handwritten signature in black ink, appearing to be 'Carla Silva', written over a horizontal line.

Carla Silva  
Deputy Attorney General

Dated: 6/2/2010

**FILED**

JUN 02 2010



CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

*State of New Jersey*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW  
PO Box 45029  
NEWARK, NJ 07101

PAULA T. DOW  
*Attorney General*

ROBERT M. HANNA  
*Director*

June 2, 2010

The State Board of Chiropractic Examiners  
124 Halsey Street, 6<sup>th</sup> Floor  
Second Floor  
P.O. Box 45004  
Newark, New Jersey 07101

RE: In the Matter of Bryan Bajakian, D.C.

Honorable Members of the Board:

Please accept this Letter Brief in support of the Attorney General's Motion for Entry of Default and Default Judgment. To date, Bryan Bajakian, D.C. ("Respondent") has not filed an Answer to the allegations contained in the Amended Verified Complaint. Respondent did file an Answer to the initial Verified Complaint. (Exhibit 3 (Answer to Verified Complaint)). The time within which Respondent was to file an Answer to the Amended Complaint has expired and has not been extended or enlarged. As a result of Respondent's failure to file an Answer to the Amended Complaint in the within matter, the Attorney General hereby requests Entry of Default and Default Judgment. The Attorney General shall rely





upon this Letter Brief and the Certification of Deputy Attorney General Carla M. Silva with the attached exhibits. The Attorney General requests the relief set forth in the Amended Verified Complaint including, but not limited to, revocation of Respondent's license, civil penalties, costs and fees.

#### PROCEDURAL HISTORY

Respondent Bryan Bajakian, D.C., ("Respondent") is licensed to practice chiropractic in the State of New Jersey holding license number 38MC00262100. Respondent's license was first suspended via an Interim Consent Order filed on September 15, 2005 following his indictment in Passaic County of multiple counts of attempted sexual acts towards children. (Exhibit E (September 15, 2005 Interim Consent Order) to Exhibit 2 (Verified Complaint), annexed hereto). On March 18, 2008, the Grand Jury in Passaic County, returned a superceding Indictment charging Respondent with additional crimes. (Exhibit F (the Indictment) to Exhibit 2, annexed hereto).

On June 16, 2008, the Attorney General filed an Order to Show Cause and a Verified Complaint with the Board of Chiropractic Examiners ("Board") seeking a temporary suspension of the license of Bryan Bajakian, D.C. ("Respondent") to practice chiropractic in the State of New Jersey. (Exhibit 1 (Order to Show Cause); Exhibit 2).

The Verified Complaint alleged that Respondent violated the Board's statutes and regulations by engaging in the following:

- Multiple attempts to lure or entice children;
- Multiple attempts to sexually assault children;
- Multiple attempts to commit criminal sexual contact upon children;
- Multiple attempts to impair or debauch the morals of children; and
- Possession of child pornography.

(Exhibit 2).

Respondent submitted an Answer to the Verified Complaint on or about June 22, 2008. (Exhibit 3).

The Order to Show Cause ordered Respondent to appear for a hearing before the Board on June 26, 2008. On the return date of the Order to Show Cause, Respondent entered into an Interim Consent Order Granting Voluntary Surrender of Licensure wherein he agreed to surrender his license to practice chiropractic in the State of New Jersey pending the conclusion of the plenary proceedings in the matter and until further Order of the Board. (Exhibit 4 (Second Interim Consent Order Granting Voluntary Surrender of Licensure, filed June 26, 2008)).

On or about February 8, 2010, the Attorney General filed a Notice of Motion For Leave to Amend the Verified Complaint. Respondent did not oppose the motion. The Board issued an Order filed March 30, 2010 granting the Attorney General leave to amend the Verified Complaint. (Exhibit 5 (March 30, 2010 Order)).

On April 6, 2010, the Attorney General filed a Notice of Hearing and an Amended Verified Complaint with the Board. (Exhibit 6 (Notice of Hearing); Exhibit 7 (Amended Verified Complaint)). The Amended Verified Complaint alleges that Respondent pled guilty on October 29, 2008 to two counts of luring or enticing a child and one count of possessing assault firearms. On or about April 9, 2010, the Notice of Hearing and Amended Verified Complaint were properly served on Respondent through service upon his attorney. (Exhibit 8 (April 6, 2010 Certification of Service, Correspondence and Receipt of Delivery)).

Respondent was required to file an Answer to the Verified Complaint within thirty-five (35) days after service of the Amended Verified Complaint. N.J.A.C. 1:1-1.3(a); R. 4:6-1. Respondent's counsel accepted service of the Complaint on April 9, 2010. (Exhibit 8). Thus, an Answer was due no later than May 14, 2010. To date Respondent has not filed an Answer to the allegations. The time within which Respondent was to file an Answer has expired and has not been extended or enlarged. (Exhibit 9 (Certification of Jonathan Eisenmenger, Executive Director)).

As a result of Respondent's failure to file an Answer to the Amended Complaint in the within matter, the Attorney General hereby moves for an entry of Default. N.J.A.C. 1:1-1.3(a); R. 4:43-1.

**STATEMENT OF FACTS**

On October 29, 2008 Respondent Bajakian plead guilty to Counts 1 and 8, for Luring or Enticing a Child in violation of N.J.S.A. 2C:13-6 (2<sup>nd</sup> Degree), and to Count 6, for Possession of Assault Firearms in violation of N.J.S.A. 2C:39-5f (3<sup>rd</sup> Degree), of a multiple count indictment filed in Passaic County. (Exhibit I (Plea Form) and J (Transcript of Plea) to Exhibit 7, annexed hereto). Under Count 1, Respondent acknowledged attempting, through electronic or other means, to lure or entice a child or one he reasonably believed to be a child, "yngcuriusgirle15", to meet or appear at another place, with the purpose to commit a criminal offense with or against the child. (Exhibit J (T25:22-27:19 and 38:4-9) to Exhibit 7, annexed hereto). Specifically, Respondent admitted to having telephone and computer conversations with "yngcuriusgirle15", a female who claimed to be fifteen years old. (Exhibit J (T25:22-27:19 and 38:4-9) to Exhibit 7, annexed hereto). He acknowledged telling "yngcuriusgirle15" he would pick her up at her home and take her somewhere with the purpose of engaging in sexual contact with the female. (Exhibit J (T25:22-27:19 and 38:4-9) to Exhibit 7, annexed hereto).

Under Count 8, Respondent acknowledged attempting, through electronic or other means, to lure or entice a child or one he reasonably believed to be a child, D.D., to meet him, with the purpose to commit a criminal offense with or against the child.

(Exhibit J (T30:20-32:10 and 37:22-38:3) to Exhibit 7, annexed hereto). Specifically, Respondent admitted to having conversations with D.D., a fourteen year-old girl with the alias "CuteNorthernGirl17". (Exhibit J (T30:20-32:10 and 37:22-38:3) to Exhibit 7, annexed hereto). He acknowledged making plans with D.D. to meet her at his office in Paramus with the intent to take her somewhere and engage in some form of sexual contact. (Exhibit J (T30:20-32:10 and 37:22-38:3) to Exhibit 7, annexed hereto).

Under Count 6, Respondent acknowledged knowingly and unlawfully having in his possession various assault firearms. (Exhibit J (T33:24-35:19 and 38:10-15) to Exhibit 7, annexed hereto). Specifically, Respondent admitted to possessing and having control over an Uzi, a semi-automatic weapon. (Exhibit J (T33:24-35:19 and 38:10-15) to Exhibit 7, annexed hereto).

On September 17, 2009, based upon his convictions for luring and enticing a child and possession of an assault firearm, Respondent was sentenced to the custody of the Commissioner of the Department of Corrections to be imprisoned for a term of five years on Counts 1 and 8 and for a term of 3 years on Count 6, to be served concurrently. (Exhibit K (T75:7-77:8) to Exhibit 7, annexed hereto). Respondent was further ordered to register as required under Megan's Law, given parole supervision for life, ordered to pay a number of fees and ordered to provide a DNA sample as required pursuant to the Statewide Sexual Assault Nurse Examiner

Program. (Exhibit K (T75:7-77:8) to Exhibit 7, annexed hereto). The Judgement of Conviction and Order for Commitment was filed on September 17, 2009. (Exhibit L to Exhibit 7, annexed hereto).

Given Respondent's failure to answer the Amended Complaint and the proofs attached hereto, a Final Judgment by Default, specifically as to Count 6 of the Amended Verified Complaint, should be entered in this matter. N.J.A.C. 1:1-1.3(a); R. 4:43-2(b).

#### ARGUMENT

##### POINT I

#### **RESPONDENT'S FAILURE TO FILE AN ANSWER TO THE AMENDED VERIFIED COMPLAINT ENTITLES THE BOARD TO ENTER A FINAL JUDGMENT BY DEFAULT AGAINST RESPONDENT**

On April 6, 2010, the Attorney General filed a Notice of Hearing and an Amended Verified Complaint with the Board. (Exhibits 6 and 7). The Notice of Hearing and Amended Verified Complaint were properly served on Respondent through service upon his attorney on April 9, 2010. (Exhibit 8). The Notice of Hearing directed Respondent to file an Answer to the charges contained within the Verified Complaint no later than May 10, 2010. (Exhibit 6). To date Respondent has not filed an Answer or otherwise pled to the allegations as directed in the Notice of Hearing. The time within which Respondent was to file an Answer has expired, and has not been extended or enlarged. (Exhibit 9).

The Notice of Hearing clearly sets forth that failure to file an Answer to the Complaint will result in this matter being considered in Respondent's absence on the proofs presented and an Order may be entered against Respondent affecting his privilege to practice chiropractic in New Jersey. (Exhibit 6).

As a result of Respondent's failure to file an Answer in the within matter, the Attorney General hereby requests entry of Default and Default Judgment. The Attorney General requests the relief set forth in the Attorney General's Amended Verified Complaint for sanctions against Respondent's license and such further relief as the Board shall deem appropriate pursuant to N.J.S.A. 45:1-25.

## POINT II

THE FINAL JUDGMENT OF DEFAULT SHOULD INCLUDE A FINDING THAT RESPONDENT VIOLATED THE BOARD'S STATUTES AND REGULATIONS BY ENGAGING IN CRIMINAL ACTS MERITING REVOCATION OF HIS LICENSE TO PRACTICE CHIROPRACTIC IN NEW JERSEY

### A. The Board May Rely Upon Respondent's Convictions For Luring and Enticing a Child and Possession of Assault Firearms As Conclusive Evidence Of His Violation Of Statutes Governing The Practice Of Chiropractic.

It is well recognized that a conviction, whether by verdict or by guilty plea, may serve as the basis for collateral estoppel in subsequent civil actions, including quasi-judicial administrative proceedings. Matter of Coruzzi, 95 N.J. 557, 571 (1984) (holding that a criminal conviction conclusively establishes the underlying

facts in a subsequent professional disciplinary proceeding); Matter of Tanelli, 194 N.J. Super 492 (App. Div. 1984), certif. den., 99 N.J. 181 (1984) (holding that collateral estoppel applied in administrative removal hearing before the State Board of Education to establish misconduct previously determined in court proceedings, even for non-indictable offense); Appley v. West, 832 F. 2d 1021, 1026 (7th Cir. 1987) ("[A] guilty plea may be used to establish issue preclusion in any subsequent civil suit.").

The question of one's guilt is thus not subject to relitigation in a subsequent administrative proceeding given that the burden of proof is greater in a criminal trial than in an administrative proceeding. A Judgment of Conviction estops the party convicted from retrying the factual issues essential to sustain the Judgment of Conviction. Matter of Tanelli, supra. Thus, Respondent's convictions for two counts of Luring and Enticing a Child and Possession of Assault Firearms conclusively establish facts violative of the statutes governing the practice of chiropractic.

Mindful that the Supreme Court in Matter of Andrew T. Fanelli, 174 N.J. 165 (2002) cautioned that a licensee is entitled to some type of hearing before his license may be revoked, solely on a criminal conviction, it is respectfully submitted that conclusive evidence of Respondent's criminal acts has been amply provided to the Board. While Respondent may be entitled to a "mitigation



hearing" before final discipline is imposed, he is not entitled to re-litigate the core facts underlying his convictions. As the Supreme Court put it bluntly in Fanelli, "Fanelli may not re-litigate his [criminal] guilt or innocence." Id. at 180. This follows well established case law. See, e.g., Matter of Michael J. Nedick, 122 N.J. 96 (1991). "A criminal conviction is conclusive evidence of guilt in disciplinary proceedings." Id. at 99; Matter of Cole, 194 N.J. Super. 237, 241 (App. Div. 1984) (proof of out of state order of revocation of license sufficient to establish cause for discipline under New Jersey law); Hyland v. Kehayas, 157 N.J. Super. 258 (App. Div. 1978) (holding that where a Respondent had every opportunity and incentive to litigate the question of his guilt the facts underlying a Judgment of Conviction should be treated as conclusively established).

This case is to be distinguished from the Fanelli situation. Fanelli pled guilty to federal charges of conspiracy to unlawfully abstract and convert funds of an employee pension benefit plan, a strict liability offense. Fanelli claimed that his wife had actually embezzled the money without his knowledge. Fanelli, supra. at 167. Following its receipt of the Judgment of Conviction, the Board had entered first a provisional order of discipline followed by a final order of discipline, revoking Fanelli's license, without permitting any appearance by Fanelli or his attorney before the Board. The Supreme Court was concerned

that the Board had concluded that Fanelli had committed a crime of moral turpitude without having the opportunity to review a transcript of his guilty plea or sentencing, thus preventing them from reaching a "full understanding and interpretation of Fanelli's crime." Id. at 178.

In the instant matter, the Board is presented with a complete and detailed account of Respondent's crimes as represented in the transcripts of the plea and sentencing and certified statement of Detective Melissa Miklas including her transcribed telephone conversations and computer communications with Respondent as "yngcuriusgirle15". (Exhibits J and K to Exhibit 7, annexed hereto; Exhibit A to Exhibit 2, annexed hereto). Also attached for Board review is the certified statement of Officer Jason Anderson including the computer communications between Respondent and "CuteNorthernGrl7" he obtained from Respondent's computer following a forensic examination. (Exhibit B to Exhibit 2, annexed hereto). Further, by way of his failure to Answer the Amended Verified Complaint, Respondent has waived his defenses to every allegation contained in the Complaint.

Unlike Fanelli, where the guilty plea was barren as to the issue of intent, no such doubt exists in this case where Respondent explicitly pled guilty to the charges. On October 29, 2008, Respondent pled guilty to two counts of Luring and Enticing a Child, second degree crimes, and Possession of Assault Firearms, a

third degree crime. During his plea and sentencing, Respondent testified that he had made plans with the females, whom he believed were teenage girls, to take them somewhere to engage in some type of sexual contact. (Exhibit J (T25:22-27:19, 38:4-9, 30:20-32:10 and 37:22-38:3) to Exhibit 7, annexed hereto). Respondent further admitted that he illegally possessed and had control over a semi-automatic weapon. (Exhibit J (T33:24-35:19 and 38:10-15) to Exhibit 7, annexed hereto).

Respondent's conviction for two counts of Luring and Enticing a Child and one count of Possession of Assault Firearms is a final adjudication that determined his guilt. He is collaterally estopped from relitigating the issues in this administrative forum. The Attorney General's motion for Default and Default Judgment should be granted because the Board may rely upon Respondent's conviction as conclusive evidence of his violation of statutes and regulations governing the practice of chiropractic.

**B. Respondent's Conviction For Two Counts of Luring and Enticing a Child and One Count of Possession of Assault Firearms Constitutes a Conviction For Crimes Of Moral Turpitude Demonstrating His Failure To Maintain Good Moral Character And Evidencing Professional or Occupational Misconduct**

Respondent has engaged in acts constituting crimes of moral turpitude, specifically luring and enticing a child and possessing an assault firearm. Moral turpitude has been defined as an "act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men, to society in general, contrary

to the accepted and customary rule of right and duty between man and men." State Bd. of Medical Examiners v. Weiner, 68 N.J. Super. 468, 483 (App.Div. 1961), rev'd on other grounds, 41 N.J. 56 (1963) (citations omitted). In its legal sense, moral turpitude is "everything done contrary to justice, honesty, modesty, or good morals". Weiner, supra, 68 N.J. at 484. The term "moral turpitude" thus reflects the "common moral sense prevailing throughout the community." Id.

Clearly the act of luring or enticing a child, or one reasonably believed to be a child, to meet or appear at another place, with the purpose to commit a criminal offense with or against the child offends the common moral standards pervasive in our society. Respondent admitted to making plans with two females, which he believed were fourteen and fifteen years old, to take them somewhere with the purpose of engaging in sexual contact with them. These acts of moral turpitude demonstrate Respondent's proclivity to take advantage of young females for his own prurient interests. Also contrary to society's common moral standards is Respondent's illegal possession of a semiautomatic weapon. This further reflects Respondent's disdain towards compliance with the law.

This failure to abide by the societal code of modesty and moral standards plainly demonstrates Respondent's failure to maintain good moral character, an ongoing statutory requirement for licensure. In prescribing the basic requirements for licensure as

a chiropractor, the Legislature has established, among other things, that good moral character be demonstrated. N.J.S.A. 45:41.4 & 5, N.J.A.C. 13:44E-1A.1(a)(2).<sup>1</sup> This standard operates as a continuing requirement for licensure. See Matter of Polk, 90 N.J. 550 (1982); Matter of Jascalevich, 182 N.J.Super. 455 (App.Div. 1982).

It is self evident that the character attributes of honesty, integrity, and lawful conduct are the fundamental qualities which society at large and individual patients are entitled to expect of a licensee who provides care and treatment. See, Fanelli, supra, at p.8-9. In light of the respected place in society which licensees occupy, it needs no elaboration to conclude that Respondent's adjudicated criminal conduct is the antithesis of those baseline qualities necessary to ensure the public that licensed chiropractors are individuals in whom confidence and trust may be placed. The legislatively prescribed standard of good moral character requires nothing less.

This type of immoral conduct also demonstrates Respondent's occupational or professional misconduct. Respondent is a

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<sup>1</sup>While the citation requiring that licensees be of good moral character was incorrectly cited in paragraph 139 of Count 6 of the Amended Verified Complaint, Respondent received notice of the intent to prosecute based on lack of good moral character as it was expressly indicated in the referenced paragraph as well as paragraphs 123, 118, 111 and 103 of the Amended Verified Complaint.

chiropractor who rendered care to both adults and children. Respondent has demonstrated through his immoral and criminal conduct that he has the proclivity to impose his depraved needs upon underage children. During his plea hearing, Respondent acknowledged the authenticity of his computer exchanges with "yngcuriusgirle15" and "CuteNorthernGrl7", females he believed were fifteen and fourteen years of age, respectively. (Exhibit J (T35:24-37:8) to Exhibit 7, annexed hereto). In these communications, Respondent represented himself as a doctor, made sexually explicit comments, forwarded nude photographs of an erect penis and made arrangements to meet the females with the intent of engaging in sexual contact. (Exhibit A and B to Exhibit 2, annexed hereto).

Patients depend greatly on the good judgment of their chiropractors. Respondent's conduct puts into question whether he would be able to put his patients' best interests before his own moral depravity, particularly around young female patients.

### POINT III

THE BOARD IS ENTITLED TO A FINAL JUDGMENT BY  
DEFAULT THAT PROVIDES FOR THE SUSPENSION OR  
REVOCATION OF RESPONDENT'S LICENSE, CIVIL  
PENALTIES, COSTS AND FEES

#### A. Revocation Of Respondent's License To Practice Chiropractic Is The Appropriate Penalty.

Respondent's conduct indicates an unfitness to bear the

responsibilities of and enjoy the privileges of being a licensee of this Board. As discussed by the Fanelli Court, the Board should consider the two purposes of a disciplinary hearing: protecting the public and protecting the standards of the profession in the public's eye. See Fanelli, supra, 174 N.J. at 179-80. Additionally, this Board may evaluate the evidence presented in light of its own expertise. To this end, the Board's "experience, technical competence, and specialized knowledge may be utilized in the valuation of evidence". In re Suspension of License of Silberman, 169 N.J. Super., 243, 256 (App. Div. 1979), aff'd o.b. 84 N.J. 303 (1980).

It is clear that Respondent's acts of moral turpitude bespeak a serious flaw in his judgment. Through his immoral and criminal conduct, Respondent has demonstrated his proclivity to impose his prurient needs upon underage females. Respondent's conduct puts into question whether he is able to put his patients' best interests before his own moral depravity.

Based upon Respondent's convictions, and it's review of the transcripts from Respondent's plea and sentencing and certified statements and attachments of Investigator Miklas and Officer Anderson, the Board through its expertise can determine that Respondent's conduct unequivocally rises to the level of being unfit to bear the responsibilities and enjoy the benefits of being a licensee of this Board. Thus, it is respectfully submitted that

Respondent's license to practice chiropractic should be revoked.

**B. The Board Is Entitled To Statutory Civil Penalties.**

The Board's statutes provide for the award of civil penalties. N.J.S.A. 45:1-25 authorizes the Board to impose a civil penalty of not more than \$10,000 for the first violation and not more than \$20,000 for the second and each subsequent violation.

Respondent has engaged in acts which have violated several of the Board's statutes and regulations. Specifically, Respondent has engaged in criminal acts constituting acts of moral turpitude in violation of N.J.S.A. 45:1-21(f). He engaged in acts demonstrating a failure to fulfill the ongoing statutory requirement of good moral character, which is a requirement of licensure, pursuant to N.J.S.A. 45:41.4 and N.J.A.C. 13:44E-1A.1(a)(2). Respondent's conduct further evidences professional and occupational misconduct, in violation of N.J.A.C. 13:45-1.4, and as such further constitutes a violation of N.J.S.A. 45:1-21(h). Due to these numerous violations of the Board's statutes and regulations, it is respectfully submitted that the Board should award civil penalties in this matter.

**C. The Board Is Entitled To Costs Of Investigation And Attorney's Fees.**

The Board should be reimbursed for its costs and fees, including attorney's fees. N.J.S.A. 45:1-25(d) sets forth that "[i]n any action brought pursuant to this act, a board or the



court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs".

A diligent search of the Department of Law and Public Safety-Enforcement Bureau's investigative costs relative to this matter reveals that the total cost of this investigation was \$9889.58. (Exhibit 10 (Certification of Supervising Investigator Deborah Zuccarelli); Exhibit 11 (January 21, 2010 Certification of Supervising Investigator Richard Perry); Exhibit 12 (January 25, 2010 Certification of Supervising Investigator Richard Perry)).

The Division of Law timekeeping records related to this matter indicate that during the period from April 8, 2008, to the present, Deputy Attorney General Carla Silva, as well as, Deputy Attorney General Kevin Jesperson have expended a total of 200.7 hours on the research, preparation, and litigation of this action. The total amount of time was accrued through the work of Deputy Attorney General Carla Silva for 80.5 hours; Deputy Attorney General Kevin Jesperson for 120.2 hours. Attorney's fees in this matter have been logged under DOL #08-61829 in accordance with the timekeeping sheets which are attached hereto and made a part hereof. (Exhibit 13 (Timesheets)).

All time as of May 1, 2005 to the present is being calculated in accordance with the directive of Acting Director of the Division

of Law, Nancy Kaplen. Attorneys' fees are to be calculated for deputy attorneys general with 0-5 years of legal experience at \$135 per hour. (Exhibit 14 (Directive of Acting Director Nancy Kaplen)). Attorneys' fees are to be calculated for deputy attorneys general with over 10 years of legal experience at \$175 per hour. (Exhibit 14).

For the time period of May 1, 2005 to the present, the legal time of Deputy Attorney General Carla Silva is calculated by multiplying \$135 times 80.5 hours yielding a total of \$10,867.50. Similarly, for the time period of May 1, 2005 to the present, the legal time of Deputy Attorney General Kevin Jesperson is calculated by multiplying \$175 per hour times 120.2 hours yielding a total of \$21,035.

It is respectfully requested that the Board award the total amount of both the investigative costs and attorneys' fees in this matter in the amount of \$41,792.08.

#### **CONCLUSION**

Respondent's acts of moral turpitude and sexual misconduct demonstrate his unfitness to bear the responsibilities and enjoy the privileges of a licensee of this Board. Respondent's acts merit a finding that he violated the Board's statutes and regulations. Based upon his violation of the Board's statutes and regulations, the Board is urged to revoke Respondent's license to


June 2, 2010  
Page 20

practice chiropractic in the State of New Jersey, and impose the appropriate civil penalties, costs, and fees.

Respectfully submitted,

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

  
Carla Silva  
Deputy Attorney General

Dated: June 6, 2010

cc: Bryan Bajakian, D.C. (Via Personal Service)

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**

JUN 02 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

By: Carla Silva  
Deputy Attorney General  
Tel: (973) 648-4741

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
BRYAN BAJAKIAN, D.C.	:	
LICENSE NO. 38MC00262100	:	CERTIFICATION OF
	:	CARLA SILVA, DAG
TO PRACTICE CHIROPRACTIC IN	:	
THE STATE OF NEW JERSEY	:	
	:	

I, Carla Silva, certify and say:

1. I am an attorney-at-law of the State of New Jersey and a Deputy Attorney General assigned to prosecute the above-captioned matter before the New Jersey State Board of Chiropractic Examiners. As such, I am fully familiar with the matters stated herein.

2. Attached as Exhibit 1 is a true copy of the Order to Show Cause filed on June 16, 2008 and served upon Respondent on June 17, 2008 as indicated by his signature.

3. Attached as Exhibit 2 is a true and complete copy of the Verified Complaint filed on June 16, 2008.

4. Attached as Exhibit 3 is a true and complete copy of Respondent's Answer to the Verified Complaint filed on or about June 22, 2008.

5. Attached as Exhibit 4 is a true and complete copy of the Second Interim Consent Order Granting Voluntary Surrender of Licensure filed on June 26, 2008.

6. Attached as Exhibit 5 is a true and complete copy of the March 30, 2010 Order Granting the Attorney General leave to file an Amended Verified Complaint.

7. Attached as Exhibit 6 is a true and complete copy of the Notice of Hearing filed on April 6, 2010.

8. Attached as Exhibit 7 is a true and complete copy of the Amended Verified Complaint filed on April 6, 2010.

9. Attached as Exhibit 8 is a true and complete copy of the Certification of Service, April 6, 2010 Correspondence to Respondent's Former Counsel and Receipt of Delivery.

10. Attached as Exhibit 9 is a true and complete copy of the Certification of Jonathan Eisenmenger, Executive Director to the State Board of Chiropractic Examiners.

11. Attached as Exhibit 10 is a true and complete copy of the Certification of Supervising Investigator Deborah Zuccarelli.

12. Attached as Exhibit 11 is a true and complete copy of the January 21, 2010 Certification of Supervising Investigator Richard Perry.

13. Attached as Exhibit 12 is a true and complete copy of the January 25, 2010 Certification of Supervising Investigator Richard Perry.

14. Attached as Exhibit 13 is a true and complete copy of the timekeeping sheets used to calculate attorney's fees in this matter.

15. Within these timekeeping sheets, the symbol "CRW" stands for "research and writing"; the symbol "CCM" stands for "meeting or telephone conference"; the symbol "CCR" stands for "writing or correspondence"; the symbol "CIV" stands for "investigation"; and the symbol "CPR" stands for "trial or hearing preparation".

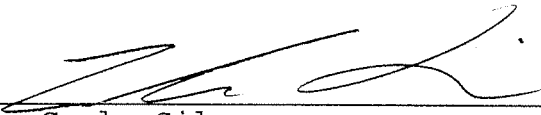
16. A total of 200.7 hours were spent in the prosecution of this case from April 8, 2008 to the present time. The total amount of time was accrued through the work of Deputy Attorney General Carla Silva for 80.5 hours; and Deputy Attorney General Kevin Jespersen for 120.2 hours. (Exhibit 13).

17. All time as of May 1, 2005 to the present is being calculated in accordance with the directive of Former Acting Director of the Division of Law, Nancy Kaplen. Attorneys' fees are to be calculated for deputy attorneys general with 0-5 years of legal experience at \$135 per hour. Attorneys' fees are to be calculated for deputy attorneys general with over 10 years of legal experience at \$175 per hour. A copy of Former Acting Director Kaplen's directive is attached as Exhibit 14.

18. For the time period of May 1, 2005 to the present, my legal time is calculated by multiplying \$135 times 80.5 hours yielding a total of \$10,867.50.

19. Prior to May 1, 2005, the legal time of Deputy Attorney General Kevin Jesperson is calculated by multiplying \$175 per hour times 120.2 hours yielding a total of \$21,035.

I certify that the foregoing statements made by me are true. I am aware that if any of these statements are willfully false, I am subject to punishment.

  
\_\_\_\_\_  
Carla Silva  
Deputy Attorney General

Dated: 6/2/2010

PAULA T. DOW  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**

APR 06 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

By: Carla Silva  
Deputy Attorney General  
Tel. (973) 648-4741

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

_____	:	
IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
<b>BRYAN BAJAKIAN, D.C.</b>	:	<b>AMENDED</b>
LICENSE NO. 38MC00262100	:	<b>VERIFIED COMPLAINT</b>
	:	
TO PRACTICE CHIROPRACTIC IN	:	
THE STATE OF NEW JERSEY	:	
_____	:	

Paula T. Dow, Acting Attorney General of New Jersey, by Carla M. Silva, Deputy Attorney General, with offices located at 124 Halsey Street, 5<sup>th</sup> Floor, Newark, New Jersey, by way of Amended Verified Complaint, says:

**General Allegations**

1. Complainant, the Attorney General of New Jersey, is charged with the responsibility of enforcing the laws of the State



of New Jersey pursuant to N.J.S.A. 52:17A-4(h) and N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Chiropractic Examiners (the "Board") is a professional licensing board and is charged with the duty and responsibility of regulating the practice of chiropractic in the State of New Jersey pursuant to N.J.S.A. 45:9-41.17 et seq. and N.J.S.A. 45:1-14 et seq.

3. Respondent Bryan Bajakian is licensed to practice chiropractic in the State of New Jersey, and holds license number 38MC00262100.

4. Respondent Bajakian maintains an office for the practice of chiropractic at 109 Chesire Lane, Ringwood, New Jersey.

5. Initials are being used in this Complaint to protect the confidentiality of the patients referenced herein. The patients' identities have been made known to the Respondent and the Board.

**A. Respondent Bajakian's Sexually Explicit Internet Communications With Yngcuriusgirle15, Possession of Child Pornography and the 2005 Indictments.**

**1. Respondent Bajakian's Communications With Yngcuriusgirle15.**

6. At various times from 2002 through 2004, the Respondent Bajakian engaged in numerous internet communications through both email and America On Line's Instant Messenger Service. Respondent Bajakian used as his screen name the designation "DOC B 109." See Exhibit A attached, Certification of Melissa Miklas ("Miklas Certification"), at Exhibit 11, page 001.

7. The Respondent Bajakian engaged in these communications using computers that were either located in his office, which was then at 119 East Passaic Street, Maywood, New Jersey, or his residence, which is at 109 Chesire Lane, Ringwood, New Jersey. No person other than the Respondent Bajakian had access to these computers for purposes of internet communications. Exhibit A (Miklas Certification) at Exhibit 11, pages 001-002.

8. Respondent Bajakian also engaged in several telephone conversations during the period of 2002 through 2004. See, e.g., Exhibit A (Miklas Certification), at Exhibit 4 and Exhibit 6.

9. At the time that Respondent Bajakian engaged in these numerous communications, he was at least forty-two years old. See Exhibit A (Miklas Certification), at Exhibit 11, page 001.

10. The Respondent Bajakian engaged in Instant Message ("I.M.") exchanges with a person who used the screen name Yngcuriusgirle15. See, generally, Exhibit A (Miklas Certification). Yngcuriusgirle15 was the screen name for Melissa Miklas, a Detective with the Passaic County Sheriffs Department. Ms. Miklas used the screen name Yngcuriusgirle15 as part of an undercover investigation of predators who use the internet to sexually exploit minors. Exhibit A (Miklas Certification), at ¶2.

11. Respondent Bajakian had a number of communications with Yngcuriusgirle15. Those communications included:

a. On January 14, 2004, Respondent Bajakian had an I.M.

exchange with Yngcuriusgirle15;

b. On January 14, 2004, Respondent Bajakian had a telephone conversation with Yngcuriusgirle15;

c. On January 15, 2004, Respondent Bajakian had another I.M. exchange with Yngcuriusgirle15;

d. On January 15, 2004, Respondent Bajakian had another telephone conversation with Yngcuriusgirle15; and

e. On January 27, 2004, Respondent Bajakian had three I.M. exchanges with Yngcuriusgirle15.

12. During the I.M. exchange on January 14, 2004, and again during the telephone conversation on the same date, Yngcuriusgirle15 stated to Respondent Bajakian that she was only fifteen years old. Exhibit A (Miklas Certification), at Exhibit 1, page 001; Exhibit A (Miklas Certification), at Exhibit 4, page 019 and 025.

13. During the various communications with Yngcuriusgirle15, Respondent Bajakian graphically described his plans to engage in sexual conduct, and to have sexual contact, with Yngcuriusgirle15. Among other things, Respondent Bajakian stated that he would:

a. Engage in sexual intercourse with Yngcuriusgirle15 "in every position imaginable." Exhibit A (Miklas Certification), at Exhibit 1, page 003. See, also, Exhibit A (Miklas Certification), at Exhibit 4, page 010-11, 012, 013, 014; Exhibit 6, page 008-009, 012.

b. Have Yngcuriusgirle15 perform fellatio on him. Exhibit A (Miklas Certification), at Exhibit 1, page 003; Exhibit 4, page 010; Exhibit 6, page 006-007.

c. Perform cunnilingus on Yngcuriusgirle15. Exhibit A (Miklas Certification), at Exhibit 1, page 002; Exhibit 4, page 009; Exhibit 4, page 012; Exhibit 6, page 008.

d. Have Yngcuriusgirle15 "stroke" his penis. Exhibit A (Miklas Certification), at Exhibit 1, page 003.

e. Have Yngcuriusgirle15 listen to him on the telephone while he masturbated. Exhibit A (Miklas Certification), at Exhibit 5, page 002; Exhibit 6, page 010.

f. Have Yngcuriusgirle15 masturbate while he listened to her on the telephone. Exhibit A (Miklas Certification), at Exhibit 5, page 002.

g. "[K]iss and gently suck on" Yngcuriusgirle15's nipples and breasts. Exhibit A (Miklas Certification), at Exhibit 1, page 002. See, also, Exhibit A (Miklas Certification), at Exhibit 4, page 010-11.

14. On January 14, 2004, Respondent Bajakian sent via email to Yngcuriusgirle15 a photograph of a man grasping an erect penis. Exhibit A (Miklas Certification), at Exhibit 3, page 001, and ¶5. Respondent Bajakian stated to Yngcuriusgirle15 that the photograph was a picture of his penis. Exhibit A (Miklas Certification), at Exhibit 4, page 010.

15. On January 27, 2004, Respondent Bajakian sent via email to Yngcuriusgirle15 another photograph of a man grasping an erect penis. This second photograph depicted the penis ejaculating. Exhibit A (Miklas Certification), at Exhibit 10 and ¶12.

16. Respondent Bajakian sent the photographs of his penis to Yngcuriusgirle15 for the purpose of sexually arousing both himself and Yngcuriusgirle15. During his various communications with Yngcuriusgirle15, Respondent Bajakian:

a. Solicited from Yngcuriusgirle15 a statement that she enjoyed performing fellatio, and stated the emailed photograph illustrated "what I would offer you." Exhibit A (Miklas Certification), at Exhibit 4, page 010.

b. Urged Yngcuriusgirle15 to masturbate while looking at the photographs. Exhibit A (Miklas Certification), at Exhibit 5, page 001; Exhibit 6, page 011.

c. Inquired if Yngcuriusgirle15 enjoyed looking at the photographs. Exhibit A (Miklas Certification), at Exhibit 7, page 001; Exhibit 9, page 001.

d. Inquired if Yngcuriusgirle15 masturbated while looking at the photographs. Exhibit A (Miklas Certification), at Exhibit 5, page 005.

17. During the I.M. exchange on January 14, 2004, Respondent Bajakian urged Yngcuriusgirle15 to masturbate while communicating online. Exhibit A (Miklas Certification), at Exhibit 1, page 002.

18. During the telephone phone conversation on January 14, 2004, Respondent Bajakian instructed Yngcuriusgirle15 to masturbate while speaking with him. Exhibit A (Miklas Certification), at Exhibit 4 at pages 011-012 and 014.

19. During the I.M. exchange on January 15, 2004, Respondent Bajakian asked Yngcuriusgirle15, "[W]ould you like to orgasm for me?" Exhibit A (Miklas Certification), at Exhibit 5, page 002. Respondent Bajakian then telephoned Yngcuriusgirle15 and during that conversation asked Yngcuriusgirle15 to masturbate in accordance with his detailed, step-by-step instructions. Exhibit A (Miklas Certification), at Exhibit 4, pages 001-012.

20. During the I.M. exchange of January 15, 2004, Respondent Bajakian stated to Yngcuriusgirle15 that he wished to masturbate while she listened on the telephone. Exhibit A (Miklas Certification), at Exhibit 5, page 002. Respondent Bajakian then telephoned Yngcuriusgirle15 and during that conversation informed Yngcuriusgirle15 that he was masturbating while she listened. Exhibit A (Miklas Certification), at Exhibit 6, page 010.

21. During the communications with Yngcuriusgirle15, Respondent Bajakian stated the he had sexual relations with minors. Exhibit A (Miklas Certification), at Exhibit 4, page 022.

22. During the communications, Respondent Bajakian elicited the intimate details of Yngcuriusgirle15's sexual experiences with other persons. Exhibit A (Miklas Certification), at Exhibit 6,

page 005, 012-013, 015, 018.

23. During the communications, Respondent Bajakian urged Yngcuriusgirle15 to conceal from her parents her communications with him. Exhibit A (Miklas Certification), at Exhibit 4, page 016-17; Exhibit 7, page 002.

24. During the communications with Yngcuriusgirle15, Respondent Bajakian revealed that he was a doctor of chiropractic. Exhibit A (Miklas Certification), at Exhibit 4, page 022.

25. Respondent Bajakian took substantial steps to further his purpose of engaging in sexual conduct, and to have sexual contact, with Yngcuriusgirle15. Among other things, Respondent Bajakain:

a. Discussed a plan to meet at the Garden State Plaza Mall. Exhibit A (Miklas Certification), at Exhibit 4, page 018-019.

b. Requested that Yngcuriusgirle15 provide her photograph so that he could identify her when they met in a public place. Exhibit A (Miklas Certification), at Exhibit 4, page 016; Exhibit 4, page 025.

c. Obtained the telephone number of Yngcuriusgirle15. Exhibit A (Miklas Certification), at Exhibit 5, page 002.

d. Informed Yngcuriusgirle15 that he had undergone a vasectomy and hence could not impregnate her when they engaged in sexual intercourse. Exhibit A (Miklas Certification), at Exhibit 4, page 008.

## **2. Respondent Bajakian's Possession of Child Pornography.**

26. Respondent Bajakian maintained on the hard drive of his computer several videos that showed, among other things, adult males engaging in sexual intercourse with prepubescent girls. Certification of Jason Andersen ("Andersen Certification"), attached as Exhibit B, at ¶6.

27. Respondent Bajakian maintained on the hard drive of his computer several photographs that depicted adult males engaging in sexual intercourse with prepubescent girls. Exhibit B (Andersen Certification), at ¶7.

## **3. The 2005 Indictments.**

28. On April 5, 2005, a grand jury sitting in Passaic County, New Jersey returned Indictment No. 05-08-1168-I (the "First Indictment") against Respondent Bajakian. See Exhibit C attached, Indictment No. 05-04-0420-I (April 5, 2005).

29. On August 23, 2005, a grand jury sitting in Passaic County, New Jersey returned Indictment No. 05-08-1168-I (the "Second Indictment") against Respondent Bajakian. See Exhibit D attached, Indictment No. 05-08-1168-I (August 23, 2005). The Second Indictment superceded the First Indictment.

30. The Second Indictment contained a number of charges that were based primarily upon the Respondent Bajakian's communications with Melissa Miklas, the Detective with the Passaic County Sheriffs Department, who used the screen name Yngcuriusgirle15. The Second



Indictment charged Respondent Bajakian with, among other things:

a. An attempt to lure or entice Yngcuriusgirle15, whom Respondent Bajakian believed to be a child, to meet for purposes of committing a criminal offense against the child, contrary to the provisions of N.J.S.A. 2C:13-6;

b. An attempt to sexually assault Yngcuriusgirle15 in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:14-2(c)(1);

c. An attempt to commit criminal sexual contact upon Yngcuriusgirle15 in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2FC:14-2c(4); and

d. An attempt to impair and debauch the morals of Yngcuriusgirle15 in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:24-4a. Exhibit D (Second Indictment).

31. The Second Indictment also charged Respondent Bajakian with possession of child pornography. Exhibit D (Second Indictment).

32. The Second Indictment further charged Respondent Bajakian with, among other things the illegal possession of various assault firearms in violation of N.J.S.A. 2C:39-5(f); and the illegal possession of large capacity ammunition magazines in violation of N.J.S.A. 2C:39-3(j). See Exhibit D (Second Indictment).

**B. Respondent Bajakian's 2005 Interim Consent Order With the Board.**

33. At some time after the grand juries' issuance of the First Indictment and the Second Indictment, those indictments were

brought to the attention of the Board. In order to protect the public health, safety and welfare pending the resolution of the criminal charges against Respondent Bajakian, the Board issued an Interim Consent Order on September 15, 2005. See Exhibit E attached, Interim Consent Order (September 15, 2005).

34. The Interim Consent Order provides, among other things, that a monitor, pre-approved by the Board, must be present whenever Respondent Bajakian renders treatment to any patient under the age of eighteen years. In addition, the Interim Consent Order further provides that the monitor must submit to the Board a status report of observations of Respondent Bajakian's practice every thirty days. Exhibit E (Interim Consent Order) at ¶¶1 and 2.

35. Respondent Bajakian's wrongful conduct, as alleged in the Second Indictment, was the basis of the Board's Interim Consent Order. See Exhibit E (Interim Consent Order).

**C. The Third Indictment of March 18, 2008, and the Revelation of Additional Misconduct by Respondent Bajakian.**

36. On March 18, 2008, a grand jury sitting in Passaic County, New Jersey, returned Indictment No. 08-03-0383-I (the "Third Indictment") against Respondent Bajakian. See Exhibit F attached, Indictment No. 05-04-0420-I (April 5, 2005). The Third Indictment superceded the Second Indictment.

37. The Third Indictment repeated all of the Counts in the Second Indictment. See Exhibit D (Second Indictment) and Exhibit

F (Third Indictment). In addition, the Third Indictment charged Respondent Bajakian with criminal conduct regarding D.D., a fourteen-year-old girl. See Exhibit F (Third Indictment) at Counts 8 through 11. Among other things, The Third Indictment charged Respondent Bajakian with:

a. An attempt to lure D.D. to meet with a purpose to commit a criminal offense against the child in violation of N.J.S.A. 2C:13-6;

b. An attempt to sexually assault the child D.D. in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:14-2(c)(4);

c. An attempt to commit an act of criminal sexual contact upon the child D.D. in violation of N.J.S.A. 2C:5-1, N.J.S.A. 2C:14-3(b) and N.J.S.A. 2C:14-2(c)(4); and

d. An attempt to impair or debauch the morals of the child D.D. in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:24-4(a).

38. Counts Eight through Eleven of the Third Indictment were based upon, among other things, Respondent Bajakian's conduct regarding the child D.D.

39. The Respondent Bajakian engaged in an I.M. exchange in August 2002 with a person who used the screen name CuteNorthernGr17. See, generally, Exhibit B (Andersen Certification), at Exhibit 1, page B001-B003.

40. The child D.D. was the person who used the screen name CuteNorthernGr17 in the I.M. exchange with Respondent Bajakian.

Exhibit G attached, Certification of Tabetha Primo ("Primo Certification").

41. At the time of the I.M. exchange, CuteNorthernGr17 was fourteen years old. Exhibit C (Primo Certification).

42. During the course of the I.M. exchange, CuteNorthernGr17 informed Respondent Bajakian that she was "almost" fifteen years old. Exhibit B (Andersen Certification), at Exhibit 1, page B001 and B003.

43. During the I.M. exchange, Respondent Bajakian graphically described his plans to engage in sexual conduct, and to have sexual contact, with CuteNorthernGr17. In particular, Respondent Bajakian stated his plan to perform cunnilingus on CuteNorthernGr17. Exhibit B (Andersen Certification), at Exhibit 1, page B002.

44. During the I.M. exchange, Respondent Bajakian stated his plan to have CuteNorthernGr17 alone to himself, either in his office or a hotel room. Exhibit B (Andersen Certification), at Exhibit 1, page B002.

45. During the I.M. exchange, Respondent Bajakian stated that he was a doctor. Exhibit B (Andersen Certification), at Exhibit 1, page B002.

**D. Respondent Bajakian's Other Sexually Explicit Internet Communications With Females Who Identified Themselves as Under the Age of Eighteen.**

46. As the result of the investigation that resulted in the Third Indictment, it was revealed that, at various times from 2002

through 2004, the Respondent Bajakian engaged in numerous other internet communications through both email and America On Line's Instant Messenger Service with persons who identified themselves as females under the age of eighteen years.

47. The Respondent Bajakian engaged in these communications using computers to which he alone had access. Exhibit A (Miklas Certification) at Exhibit 11, pages 001-002.

48. At the time that Respondent Bajakian engaged in these numerous communications, he was at least forty-two years old. See Exhibit A (Miklas Certification), at Exhibit 11, page 001.

**1. Respondent Bajakian's Sexually Explicit Internet Communications With JennyHar1986.**

49. The Respondent Bajakian engaged in I.M. exchanges with a person who used the screen name "JennyHar1986." Exhibit B (Andersen Certification) at Exhibit 1, pages B004 to B017.

50. During the I.M. exchange with JennyHar1986, the Respondent Bajakian indicated his belief that JennyHar1986 was seventeen years old. For example, Dr. Bajakian stated to JennyHar1986, "[A]t 17 it isn't healthy for you to have no interest in boys.....how can I help you spark that interest once again?" Exhibit B (Andersen Certification), at Exhibit 1, page B007. Similarly, the Respondent Bajakian referred to JennyHar1986 as a "minor." Exhibit B (Andersen Certification), at Exhibit 2, page B015.

51. During the course of the I.M. exchanges, JennyHar1986

revealed to the Respondent Bajakian that she was the victim of a violent rape. Exhibit B (Andersen Certification), at Exhibit 1, page B007. She further revealed that this traumatic experience left her with physical, emotional and psychological injuries. Exhibit B (Andersen Certification), at Exhibit 1, pages B005 to B007, B012, B013. JennyHar1986 stated to the Respondent Bajakian that she was contemplating suicide. Exhibit B (Andersen Certification) at Exhibit 1, page B010. JennyHar1986 further stated to the Respondent Bajakian, "[I]ts scarey when you start to think about killing yourself . . . something is very wrong." Exhibit B (Andersen Certification) at Exhibit 1, page B012.

52. The Respondent Bajakian acknowledged during the course of the I.M. exchanges with JennyHar1986 that he was a "doctor." Exhibit B (Andersen Certification), at Exhibit 1, pages B006, B008, B010, and B013.

53. The Respondent Bajakian offered to provide JennyHar1986 with medical care and with referrals to other medical professionals who could treat JennyHar1986 for the various maladies she suffered as the result of the rape. Exhibit B (Andersen Certification), at Exhibit 1, pages B005, B008, B009, B012 and B015.

54. The Respondent Bajakian attempted to use, and did use, his position as a "doctor" to sexually exploit JennyHar1986, who was a notably vulnerable person. Among other things, the Respondent Bajakian solicited from JennyHar1986 the opportunity to

perform a "gentle internal massage" of her rectum under the guise of providing medical care for the injuries that the rape caused. Exhibit B (Andersen Certification), at Exhibit 1, pages B005, B008 and B012. The Respondent Bajakian, however, intended to perform this anal massage as a means of sexual self-gratification. Thus, the Respondent Bajakian and JennyHar1986 had the following exchange:

DOC B 109: I want you to come to me so that I can perform the massage honey.

JennyHar1986: [I] will

JennyHar1986: does it hurt?

DOC B 109: no .... I will be very gentle and use lubricant

JennyHar1986: ok

DOC B 109: will you find it soothing if I caress your butt while I massage?

JennyHar1986: no [I] just want to do what [I] have to to help myself

JennyHar1986: [I] don't like anyone seeing me naked like that but your are a doctor.

DOC B 109: will you be embarrassed bent over so I have access to your anus like that?

JennyHar1986: yes very

DOC B 109: but you will offer me full access.....won't you? [Exhibit B (Andersen Certification), at Exhibit 1, pages B012 to B013.]

55. The Respondent Bajakian stated his plan to engage in sexual conduct with JennyHar1986. Among other things:

a. The Respondent Bajakian stated his desire to massage JennyHar1986's anus with his finger. Exhibit B (Andersen Certification), at Exhibit 1, pages B005, B012 to B013, and B015.

b. The Respondent Bajakian stated his plan to teach JennyHar1986 the "right way" and "the loving way to share yourself with a man who loves you." Exhibit B (Andersen Certification), at Exhibit 1, page B011.

c. The Respondent Bajakian stated his plan that the relationship with JennyHar1986 would "evolve" "from doctor/patient.....to father/daughter.....to even more intimate levels." Exhibit B (Andersen Certification), at Exhibit 1, page B013.

d. The Respondent Bajakian stated his plan to caress JennyHar1986's "butt." Exhibit B (Andersen Certification), at Exhibit 1, page B012 and B014.

e. The Respondent Bajakian stated his plan to make JennyHar1986 his "in a much more physical way." Exhibit B (Andersen Certification), at Exhibit 1, page B016.

56. The Respondent Bajakian took substantial steps to meet with JennyHar1986 for the purposes of having sexual contact with JennyHar1986. Among other things:

a. The Respondent Bajakian requested that JennyHar1986



come to his office so that he could perform an anal massage upon her. Exhibit B (Andersen Certification), at Exhibit 1, pages B012 to B013, and B015. The Respondent Bajakian specifically requested that JennyHar1986 come to his office "after hours." Exhibit B (Andersen Certification), at Exhibit 1, page B015;

b. The Respondent Bajakian stated that he wanted to visit JennyHar1986 the following week at the Coffee Beanery, a store located in the Paramus Park Mall. Exhibit B (Andersen Certification), at Exhibit 1, page B015;

c. The Respondent Bajakian obtained JennyHar1986's telephone number. Exhibit B (Andersen Certification), at Exhibit 1, page B011.

**2. Respondent Bajakian's Sexually Explicit Internet Communications With Trishcoming4u.**

57. Respondent Bajakian engaged in an I.M. exchange with a person who used the screen name Trishcoming4u. Exhibit B (Andersen Certification), at Exhibit 1, pages B086 to B028.

58. During the course of the I.M. exchange, Trishcoming4u informed Respondent Bajakian that she was a fifteen-year-old female. Exhibit B (Andersen Certification), at Exhibit 1, page B019. Trishcoming4u further informed Respondent Bajakian that she lived in Union City, New Jersey. Exhibit B (Andersen Certification), at Exhibit 1, page B021.

59. During the I.M. exchange, Respondent Bajakian solicited sexually explicit photographs of Trishcoming4u. Exhibit B

(Andersen Certification), at Exhibit 1, pages B025 to B026.

60. During the I.M. exchange, Trishcoming4u emailed photographs to Respondent Bajakian. Several of those photographs were sexually explicit. All of the photographs were consistent with Trishcoming4u's claim that she was fifteen years old. See Exhibit B (Andersen Certification), at Exhibit 1, page B018.

61. During the course of the I.M. exchange, Respondent Bajakian stated that he had sexual experiences with "young girls" and that he found such experiences notably enjoyable. Exhibit B (Andersen Certification), at Exhibit 1, page B023.

62. During the I.M. exchange, Respondent Bajakian urged Trishcoming4u that she should engage in sexual conduct with "an older guy" because such men have experience in sexual matters and would have an incentive to keep "quiet" about sexual encounters with Trishcoming4u. Exhibit B (Andersen Certification), at Exhibit 1, page B020.

63. During the I.M. exchange, Respondent Bajakian sent to Trishcoming4u photographs of his penis. Exhibit B (Andersen Certification), at Exhibit 1, page B024 to B025.

64. Respondent Bajakian sent the photographs of his penis to Trishcoming4u for the purpose of sexually arousing both himself and Trishcoming4u. Among other things, Respondent Bajakian inquired of Trishcoming4u what she would do with, and "how much fun" would she have with, Respondent Bajakian's penis. Exhibit B (Andersen

Certification), at Exhibit 1, page B024 to B025.

65. During the I.M. exchange, Respondent Bajakian requested that Trishcoming4u masturbate while they communicated online. Exhibit B (Andersen Certification), at Exhibit 1, page B026.

66. During the I.M. exchange, Respondent Bajakian stated his plan to have sexual intercourse with Trishcoming4u. Exhibit B (Andersen Certification), at Exhibit 1, page B026.

67. During the I.M. exchange, Respondent Bajakian stated his plan to perform cunnilingus on Trishcoming4u. Exhibit B (Andersen Certification), at Exhibit 1, page B026.

68. Trishcoming4u informed Respondent Bajakian that her eleven-year-old sister was present during part of the I.M. exchange. Respondent Bajakian urged Trishcoming4u to have her sister sexually stimulate her and provided specific directions as to how that stimulation should be accomplished. Exhibit B (Andersen Certification), at Exhibit 1, page B027.

**3. Respondent Bajakian's Sexual Explicit Internet Communication With Carolina2blue3.**

69. Respondent Bajakian engaged in an I.M. exchange with a person who used the screen name Carolina2blue3. Exhibit B (Andersen Certification), at Exhibit 1, page B029.

70. During the I.M. exchange, Carolina2blue3 informed Respondent Bajakian that she was a fifteen-year-old female. Exhibit B (Andersen Certification), at Exhibit 1, page B029. See, also, Exhibit B (Andersen Certification), at Exhibit 1, page B032.

Carolina2blue3 also informed Respondent Bajakian that she lived in Philadelphia, Pennsylvania. Exhibit B (Andersen Certification), at Exhibit 1, page B031.

71. During the I.M. exchange, Carolina2blue3 sent to Respondent Bajakian via email a photograph that she stated was a depiction of her. Exhibit B (Andersen Certification), at Exhibit 1, pages B029 and B031. The photograph Carolina2blue3 sent to Respondent Bajakian is consistent with her statement that she was fifteen years old. See Exhibit B (Andersen Certification), at Exhibit 1, page B029.

72. During the I.M. exchange, Respondent Bajakian sent to Carolina2blue3 a photograph of a penis. Exhibit B (Andersen Certification), at Exhibit 1, page B032.

73. Respondent Bajakian sent the photographs of his penis to Carolina2blue3 for the purpose of sexually arousing both himself and Carolina2blue3. During his various communications with Carolina2blue3, Respondent Bajakian:

a. Inquired of Carolina2blue3 if she would enjoy looking at his penis. Exhibit B (Andersen Certification), at Exhibit 1, page B032.

b. Inquired of Carolina2blue3 if she would enjoy fondling the penis shown in the photograph. Exhibit B (Andersen Certification), at Exhibit 1, page B032.

c. Inquired of Carolina2blue3 whether she would enjoy

performing fellatio upon the Respondent Bajakian. Exhibit B (Andersen Certification), at Exhibit 1, page B032 to B033.

74. During the I.M. exchange, Respondent Bajakian offered to sexually stimulate Carolina2blue3 by, among other things, fondling her breasts, engaging in sexual intercourse with her, and by performing cunnilingus upon her. Exhibit B (Andersen Certification), at Exhibit 1, page B033 to B034.

75. During the I.M. exchange, Respondent Bajakian urged Carolina2blue3 to sexually arouse herself. Exhibit B (Andersen Certification), at Exhibit 1, page B033.

**4. Respondent Bajakian's Sexual Explicit Internet Communication With Hollie1025.**

76. Respondent Bajakian engaged in an I.M. exchange with a person who used the screen name "Hollie1025." Exhibit B (Andersen Certification), at Exhibit 1, page B035 to B040.

77. Hollie1025 informed Respondent Bajakian that she was a female less than fifteen years old. Exhibit B (Andersen Certification), at Exhibit 1, page B036.

78. Respondent Bajakian sent to Hollie1025 a photograph of a penis. Exhibit B (Andersen Certification), at Exhibit 1, pages B038 to B039.

79. Respondent Bajakian sent the photographs of a penis to Hollie1025 for the purpose of sexually arousing both himself and Hollie1025. Among other things, Respondent Bajakian:

a. Asked Hollie1025 if the photograph aroused her. Hollie1025 responded that the photograph of the penis did arouse her. Exhibit B (Andersen Certification), at Exhibit 1, page B040.

b. Requested that Hollie1025 look at the photographs while she masturbated. Exhibit B (Andersen Certification), at Exhibit 1, page B040.

c. Asked that Hollie1025 look at the photographs during I.M. exchanges with him. Exhibit B (Andersen Certification), at Exhibit 1, page B039.

80. During the I.M. exchange, Respondent Bajakian stated to Hollie1025 that it is better to have a sexual relationship with a "mature man" than with some "teenage boy who doesn't know anything about sex or how to please you." Exhibit B (Andersen Certification), at Exhibit 1, page B036.

81. During the I.M. exchange, Respondent Bajakian solicited from Hollie1025 intimate details of sexual encounters that she had with a thirty-four-year-old man. Exhibit B (Andersen Certification), at Exhibit 1, pages B035 to page B036 and page B038.

82. During the I.M. exchange, Respondent Bajakian stated his plan to have a sexual encounter with Hollie1025. Exhibit B (Andersen Certification), at Exhibit 1, pages B039 to B040. Among other things, Respondent Bajakian stated that he planned to "take" Hollie1025's virginity and wanted to make Hollie1025 his "sexy

girlfriend." Exhibit B (Andersen Certification), at Exhibit 1, pages B039 and B040.

83. During the I.M. exchange, Respondent Bajakian described in graphic detail the sexual encounter he planned to have with Hollie1025. Respondent Bajakian described in detail his plan to have sexual intercourse with Hollie1025 and to masturbate in the presence of Hollie1025. Exhibit B (Andersen Certification), at Exhibit 1, pages B039 to B040.

84. During the I.M. exchange, Respondent Bajakian asked that Hollie1025 masturbate and then to provide a description of this sexual conduct to Respondent Bajakian. Exhibit B (Andersen Certification), at Exhibit 1, page B040.

85. Respondent Bajakian requested that Hollie1025 sexually stimulate herself while she was communicating with him on the internet. Exhibit B (Andersen Certification), at Exhibit 1, page B040.

**5. Respondent Bajakian's Sexual Explicit Internet Communication With KallieBabe50.**

86. Respondent Bajakian engaged in an I.M. exchange with a person who used the screen name "KallieBabe50." Exhibit B (Andersen Certification), at Exhibit 1, pages B041 to B045.

87. KallieBabe50 informed Respondent Bajakian that she was fifteen years old. Exhibit B (Andersen Certification), at Exhibit 1, page B043.

88. During the course of the I.M. exchange, Respondent

Bajakian requested that KallieBabe50 provide him with a photograph, and KallieBabe50 complied with the request. Exhibit B (Andersen Certification), at Exhibit 1, pages B041-42. The photograph that KallieBabe50 sent to Respondent Bajakian is consistent with her statement that she was fifteen years old. See Exhibit B (Andersen Certification), at Exhibit 1, page B041.

89. During the course of the I.M. exchange, Respondent Bajakian offered to have a sexual relationship with KallieBabe50. Respondent Bajakian inquired, "[A]nd do you think you could be with a man my age.....would you welcome the experience and intimacy I would offer you?" Exhibit B (Andersen Certification), at Exhibit 1, page B043. Respondent Bajakian further asked, "[W]ould you enjoy having a man that you could see discretely.....one you could explore this side of your sexuality with?" Exhibit B (Andersen Certification), at Exhibit 1, page B043.

90. Respondent Bajakian stated his plan to perform cunnilingus upon KallieBabe50. Exhibit B (Andersen Certification), at Exhibit 1, page B044.

91. Respondent Bajakian stated his plan to meet KallieBabe50 in Boston. Exhibit B (Andersen Certification), at Exhibit 1, page B043.

**E. Respondent Bajakian's Failure to Obtain a Board-Approved Monitor for Patients Under the Age of Eighteen Years.**

92. In September 2005, Respondent Bajakian agreed to the entry of the Interim Consent Order. The order provided, among



other things, that a monitor, pre-approved by the Board, must be present whenever Respondent Bajakian renders treatment to any patient under the age of eighteen years. In addition, the Interim Consent Order further provides that the monitor must submit to the Board a status report of hours and observations every thirty days. Exhibit E (Interim Consent Order) at ¶¶1 and 2.

93. Respondent Bajakian did not request that the Board approve any monitor, and, accordingly, the Board never issued any such approval. Exhibit H, Certification of Dinis Pinto ("Pinto Certification") at ¶3. Moreover, no monitor ever submitted to the Board any report of hours and observations relating to Respondent Bajakian's practice of chiropractic. Exhibit H (Pinto Certification) at ¶3.

**F. Respondent Bajakian's Continued Treatment of Patients Under the Age of Eighteen Years.**

94. Respondent Bajakian continues to hold himself out to the public as qualified and willing to practice chiropractic pediatrics. Among other things:

a. Respondent Bajakian currently maintains a website that lists among the Respondent Bajakian's qualifications an "Advanced Certification in Chiropractic Pediatrics by the World's Children's Wellness Foundation and Parker Chiropractic College." Exhibit I attached, Certification of Tracy Muse ("Muse Certification"), at Exhibit 1.

b. Respondent Bajakian currently maintains a website

that contains a page entitled "Kids and Chiropractic - Kids Need Chiropractic 2." The page advocates the practice of pediatric chiropractic and implicitly offers Respondent Bajakian's services as a pediatric chiropractor. Exhibit I, Muse Certification, at Exhibit 1.

c. Respondent Bajakian currently maintains a internet advertisement that states, in part:

"Kids Need Chiropractic 2  
Advanced Certification in Chiropractic Pediatrics

\* \* \*

We help children grow up STRONG

Dr. Bryan K. Bajakian"

Exhibit I (Muse Certification) at Exhibit 2.

95. At various times from January 2006, to August 2007, Respondent Bajakian submitted claims to Aetna Inc. for payment for services that he rendered to certain patients. Exhibit I (Muse Certification) at Exhibit 4. All of those patients were under the age of eighteen at the time Respondent Bajakian provided services. The tables below summarizes pertinent aspects of the claims that Respondent Bajakian submitted to Aetna, Inc.

- a. Patient: A.J.  
Date of Birth: June 18, 1995  
Sex: Female

Date of Service	Age at Date of Service
7/21/07	12
8/18/07	12
8/25/07	12

- b. Patient: J.J.  
Date of Birth: February 2, 2001  
Sex: Male

Date of Service	Age at Date of Service
7/21/07	6
8/18/07	6
8/25/07	6
11/17/07	6

- c. Patient: A.S.  
Date of Birth: November 8, 1990  
Sex: Male

Date of Service	Age at Date of Service
1/16/06	15
1/18/06	15
1/20/06	15

1/23/06	15
1/25/06	15
1/27/06	15
1/30/06	15
2/1/06	15
2/3/06	15
2/6/06	15
2/8/06	15
2/10/06	15
2/13/06	15
2/15/06	15
2/17/06	15
2/20/06	15
2/22/06	15
2/24/06	15
2/27/06	15
3/1/06	15
3/3/06	15
3/6/06	15
3/8/06	15
3/10/06	15
3/13/06	15
3/15/06	15
3/17/06	15
3/20/06	15
3/22/06	15
3/27/06	15
3/29/06	15

Exhibit I (Muse Certification) at Exhibit 4.

96. At various times from January 2006 to March 2008, Respondent Bajakian submitted claims to United Healthcare Insurance Company ("United Healthcare") for payment for services that he rendered to certain patients. Exhibit I (Muse Certification) at Exhibit 3. All of those patients were under the age of eighteen at the time Respondent Bajakian provided services. The tables below summarizes pertinent aspects of the claims that Respondent Bajakian submitted to United Healthcare.

- a. Patient: H.B  
Date of Birth: July 15, 1998  
Sex: Male

Date of Service	Age at Date of Service
3/24/07	8
3/29/07	8
4/03/07	8
4/12/07	8

- b. Patient: K.B.  
Date of Birth: October 4, 1999  
Sex: Male

Date of Service	Age at Date of Service
1/8/08	9
1/10/08	9
1/15/08	9

1/21/08	9
1/26/08	9
1/29/08	9
1/31/08	9
2/2/08	9
2/5/08	9
2/7/08	9

c. Patient: A.M.  
Date of Birth: January 7, 1998  
Sex: Female

Date of Service	Age at Date of Service
1/17/08	11
1/19/08	11
1/21/08	11
1/28/08	11
1/30/08	11
2/1/08	11
2/4/08	11
2/11/08	11
2/13/08	11
2/15/08	11
2/20/08	11
2/25/08	11
2/27/08	11
2/29/08	11
3/3/08	11

3/7/08	11
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- d. Patient: J.M.  
Date of Birth: October 17, 1993  
Sex: Male

Date of Service	Age at Date of Service
11/17/07	14
11/29/07	14
12/1/07	14
12/4/07	14
12/6/07	14
12/8/07	14
12/11/07	14
12/15/07	14
12/18/07	14
12/20/07	14
12/27/07	14
12/29/07	14
1/10/08	14
1/12/08	14
1/17/08	14
1/19/08	14
1/21/08	14
1/28/08	14
1/30/08	14
2/1/08	14
2/4/08	14

2/11/08	14
2/13/08	14
2/15/08	14
2/20/08	14
2/25/08	14
2/27/08	14
2/29/08	14

e. Patient: C.C.  
Date of Birth: January 12, 1993  
Sex: Female

Date of Service	Age at Date of Service
1/4/06	12
1/9/06	12
1/30/06	13
2/6/06	13
2/15/06	13
2/20/06	13
2/27/06	13
3/3/06	13
3/6/06	13
3/15/06	13
3/20/06	13
3/29/06	13
4/10/06	13



f. Patient: H.C.  
Date of Birth: January 6, 1997  
Sex: Female

Date of Service	Age at Date of Service
1/4/06	9
1/9/06	10
1/30/06	10
2/6/06	10
2/15/06	10
2/20/06	10
2/27/06	10
3/6/06	10
3/13/06	10
3/20/06	10
3/27/06	10
3/29/06	10
4/10/06	10

Exhibit I (Muse Certification) at Exhibit 3.

97. Respondent Bajakian submitted to Horizan Blue Cross and Blue Shield of New Jersey a claim for services rendered to the patient K.S. K.S.'s birth date is April 24, 2002, and Respondent Bajakian provided the services on December 27, 2006. Exhibit I (Muse Certification) at Exhibit 5. Accordingly, K.S. was four years old at the time that Respondent Bajakian treated her.

98. Although Respondent Bajakian rendered care to patients

under the age of eighteen, he did not, at that time, have a Board-approved monitor for such patient encounters as required under the terms of the Interim Consent Order. See Exhibit H, (Pinto Certification) at ¶3.

#### **FIRST COUNT**

##### **(Sexual Misconduct Toward JennyHar1986)**

99. The General Allegations are repeated and realleged as if set forth at length herein.

100. Respondent Bajakian established a "patient-chiropractor relationship" with JennyHar1986, and JennyHar1986 was a "patient" of Respondent Bajakian, within the meaning of N.J.A.C. 13:44E-2.3(b)(2) and (3) in that, among other things:

a. JennyHar1986 revealed to Respondent Bajakian that she was the victim of a violent rape and sought Respondent Bajakian's assistance as a "doctor" to remedy the physical, emotional and psychological injuries resulting from the rape. Exhibit B (Andersen Certification), at Exhibit 1, pages B005 to B007, and B012, B013.

b. Respondent Bajakian informed JennyHar1986 that he was a "doctor." Exhibit B (Andersen Certification), at Exhibit 1, pages B006, B008, B010, and B013.

c. Respondent Bajakian offered to assist JennyHar1986 in healing "emotionally as well as physically." Exhibit B (Andersen Certification), at Exhibit 1, page B0090. See, also,

Exhibit B (Andersen Certification), at Exhibit 1, page B010.

d. Respondent Bajakian provided JennyHar1986 with advice concerning the physical injuries resulting from her rape. For example, he informed JennyHar1986 that the muscles in her anus were not healing correctly. Exhibit B (Andersen Certification), at Exhibit 1, page B005.

e. Respondent Bajakian recommended and offered to provide therapy to JennyHar1986. For example, he recommended "some gentle internal massage" of JennyHar1986's anus. Exhibit B (Andersen Certification), at Exhibit 1, page B005. Respondent Bajakian further offered to provide such a massage in his office and that his services would be "professional." Exhibit B (Andersen Certification), at Exhibit 1, page B008. See, also, Exhibit B at page B015.

f. Respondent Bajakian offered to refer JennyHar1986 to appropriate medical specialists to assist in her treatment. Exhibit B (Andersen Certification), at Exhibit 1, page B005.

101. Respondent Bajakian engaged in sexual misconduct regarding JennyHar1986 within the meaning of N.J.A.C. 13:44E-2.3 in that, among other things, Respondent Bajakian solicited various sexual conduct with JennyHar1986. Such solicitations included:

a. Respondent Bajakian offered to perform an "internal massage" of JennyHar1986's rectum. Exhibit B (Andersen Certification), at Exhibit 1, page B005 and B008.

b. Respondent Bajakian offered to caress JennyHar1986's "butt." Exhibit B (Andersen Certification), at Exhibit 1, pages B012 and B014.

c. Respondent Bajakian requested that JennyHar1986 expose her naked buttocks to him so that he would have "full access" to her rectum. Exhibit B (Andersen Certification), at Exhibit 1, pages B012 to 013.

102. Respondent Bajakian's solicitations of sexual conduct of JennyHar1986 was unwelcome, offensive to a reasonable person, and sufficiently severe and intense to be abusive to a reasonable person in the context of the communication between Respondent Bajakian and JennyHar1986. Among other things, JennyHar1986 repeatedly informed Respondent Bajakian that she found Respondent Bajakian's solicitations unwanted. For example:

a. In response to Respondent Bajakian's suggestion that JennyHar1986 submit to an "gentle internal massage" of her rectum, she responded, "[O]h i dont want to do that [sic]." See, e.g., Exhibit B (Andersen Certification) at page B005.

b. JennyHar1986 stated that she would not feel comfortable with Respondent Bajakian massaging her anus, but would permit him to do so to "do what i need to to try to heal [sic]." Exhibit B (Andersen Certification) at page B008.

c. In response to Respondent Bajakian's request to kiss and hold JennyHar1986, she responded, "i dont know, im not ready

for that [sic]." Exhibit B (Andersen Certification) at page B011.

d. In response to Respondent Bajakian's request to caress JennyHar1986's "butt," JennyHar1986 state, "no i dont like anyone to touch me." Exhibit B (Andersen Certification) at page B014.

103. Respondent Bajakian's solicitation of sexual conduct of JennyHar1986 under the circumstances:

a. Constitutes sexual misconduct in violation of N.J.A.C. 13:44E-2.3, and as such constitutes a violation of N.J.S.A. 45:1-21(h);

b. Constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e);

c. Constitutes gross malpractice and repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c) and (d);

d. Demonstrates that Respondent Bajakian lacks the good moral character that is a continuing requirement for licensure under N.J.A.C. 13:44E-1A.1(a)(2); and

e. Palpably demonstrates that Respondent Bajakian's continued practice of chiropractic constitutes a clear and imminent danger to the public health, safety and welfare within the meaning of N.J.S.A. 45:1-22(h).

#### SECOND COUNT

**The Attempts of Respondent Bajakian to Lure the Children Yngcuriusgirle15 and CuteNorthernGrl7 To Meet With Him for Purposes of Engaging in Criminal Sexual Conduct.**

104. The General Allegations are repeated and realleged as if set forth at length herein.

105. At the time of Respondent Bajakian's internet communications with CuteNorthernGrl7, she was under the age of sixteen years.

106. At the time of Respondent Bajakian's internet communications with Yngcuriusgirle15, Respondent Bajakian reasonably believed that she was under the age of sixteen years.

107. At the time of the internet communications, Respondent Bajakian was at least four years older than either of Yngcuriusgirle15 or CuteNorthernGrl7.

108. Respondent Bajakian attempted, through internet communications, to lure or entice CuteNorthernGrl7 to meet with him for the purpose to commit against her the criminal offense of sexual assault in violation of N.J.S.A. 2C:14-2(c)(4). In particular, Respondent Bajakian sought to meet with CuteNorthernGrl7 for the purpose of:

a. Engaging in sexual intercourse with Yngcuriusgirle15. Exhibit A (Miklas Certification), at Exhibit 1, page 003; Exhibit 4, page 010; Exhibit 6, page 006-007.

b. Having Yngcuriusgirle15 perform fellatio on him. Exhibit A (Miklas Certification), at Exhibit 1, page 003; Exhibit 4, page 010; Exhibit 6, page 006-007.

c. Performing cunnilingus on Yngcuriusgirle15. Exhibit

A (Miklas Certification), at Exhibit 1, page 002; Exhibit 4, page 009; Exhibit 4, page 012; Exhibit 6, page 008.

109. Respondent Bajakian attempted, through internet communications, to lure or entice CuteNorthernGr17 to meet with him for the purpose to commit against her the criminal offense of sexual contact in violation of N.J.S.A. 2C:14-3(b). In particular, Respondent Bajakian sought to meet with CuteNorthernGr17 so that he could "kiss and gently suck on" Yngcuriusgirle15's nipples and breasts. Exhibit A (Miklas Certification), at Exhibit 1, page 002. See, also, Exhibit A (Miklas Certification), at Exhibit 4, page 010-11.

110. Respondent Bajakian attempted, through internet communications, to lure or entice CuteNorthernGr17 to meet with him for the purpose to commit against her the criminal offense of sexual assault in violation of N.J.S.A. 2C:14-2(c)(4). In particular, Respondent Bajakian sought to meet with CuteNorthernGr17 for the purpose of performing cunnilingus upon her.

111. Respondent Bajakian's conduct in attempting to lure or entice CuteNorthernGr17 and Yngcuriusgirle15 to meet with him with the purpose to commit a criminal offense against these children:

a. Constitutes a violation of N.J.S.A. 2C:13-6, and as such is conduct that constitutes a crime of moral turpitude in violation of N.J.S.A. 45:1-21(f);

b. Demonstrates that Respondent Bajakian lacks the good moral character that is a continuing requirement for licensure under N.J.A.C. 13:44E-1A.1(a)(2); and

c. Palpably demonstrates that Respondent Bajakian's continued practice of chiropractic constitutes a clear and imminent danger to the public health, safety and welfare within the meaning of N.J.S.A. 45:1-22(h).

112. Each of Respondent Bajakian's attempts to lure or entice Yngcuriusgirle15 and CuteNorthernGr17 to meet with him for the purposes of committing against them a criminal offense is a distinct and separate violation of N.J.S.A. 45:1-21.

### THIRD COUNT

**Sexual Conduct That Would Impair or Debauch the Morals of the Children Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50.**

113. The General Allegations are repeated and realleged as if set forth at length herein.

114. Each of the children Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50 informed Respondent Bajakian, during I.M. exchanges with him, that they were under the age of sixteen years.

115. Each of the children Trishcoming4u, Carolina2blue3 and KallieBabe50 emailed photographs of themselves to Respondent Bajakian that were consistent with their statements that they were



under the age of sixteen years.

116. Respondent Bajakian reasonably believed that each of the children Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50 was under the age of sixteen years.

117. Respondent Bajakian engaged in sexual conduct which would impair or debauch the morals of each of the children Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50. Among other things, Respondent Bajakian:

a. Graphically described his plan to have sexual intercourse with each of Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, and Hollie1025.

b. Specifically requested that each of Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, and Hollie1025 have sexual intercourse with him.

c. Graphically described his plan to have each of Yngcuriusgirle15 and Carolina2blue3 perform fellatio on him.

d. Specifically requested that each of Yngcuriusgirle15 and Carolina2blue3 perform fellatio upon him.

e. Graphically described his plan to perform cunnilingus on each of Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3 and KallieBabe50.

f. Specifically requested that each of Yngcuriusgirle15

and Trishcoming4u masturbate while either communicating online with him or while he listened on the telephone.

g. Specifically requested that each of Yngcuriusgirle15, Trishcoming4u and Carolina2blue3 fondle his penis.

h. Emailed to each of Yngcuriusgirle15, Trishcoming4u, Carolina2blue3, and Hollie1025 a photograph of a man grasping an erect penis.

i. Specifically requested that Yngcuriusgirle15 listen on the telephone and communicate with him on line while he masturbated.

j. Specifically requested that Hollie1025 watch him as he masturbated.

k. Specifically requested that Trishcoming4u send him sexually explicit photographs of herself. In response to Respondent Bajakian's request, Trishcoming4u sent to him sexually explicit photographs of herself.

l. Specifically requested that Trishcoming4u sexually stimulate her eleven-year-old sister, and that Trishcoming4u have her sister stimulate her.

118. The conduct of Respondent Bajakian in engaging in sexual conduct which would impair or debauch the morals of the children Yngcuriusgirle15, CuteNorthernGrl7, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50:

a. Constitutes a violation of N.J.S.A. 2C:24-4, or, at the least, an attempt to violate N.J.S.A. 2C:24-4, and as such is conduct that constitutes a crime of moral turpitude in violation of N.J.S.A. 45:1-21(f);

b. Demonstrates that Respondent Bajakian lacks the good moral character that is a continuing requirement for licensure under N.J.A.C. 13:44E-1A.1(a)(2); and

c. Palpably demonstrates that Respondent Bajakian's continued practice of chiropractic constitutes a clear and imminent danger to the public health, safety and welfare within the meaning of N.J.S.A. 45:1-22(h).

119. Each I.M. exchange that Respondent Bajakian had with each of Yngcuriusgirle15, CuteNorthernGr17, Trishcoming4u, Carolina2blue3, Hollie1025 and KallieBabe50, that constitutes sexual conduct that would impair or debauch the morals of these children, is a distinct and separate violation of N.J.S.A. 45:1-21.

#### **FOURTH COUNT**

##### **Possession of Child Pornography**

120. The General Allegations are repeated and realleged as if set forth at length herein.

121. Respondent Bajakian maintained on the hard drive of his computer several videos that showed, among other things, adult males engaging in sexual intercourse with prepubescent girls. Certification of Jason Andersen ("Andersen Certification"),

attached as Exhibit B, at ¶6.

122. Respondent Bajakian maintained on the hard drive of his computer several photographs that depicted adult males engaging in sexual intercourse with prepubescent girls. Exhibit B (Andersen Certification), at ¶7.

123. Respondent Bajakian's possession of child pornography:

a. Constitutes a violation of N.J.S.A. 2C:24-4 and as such is conduct that constitutes a crime of moral turpitude in violation of N.J.S.A. 45:1-21(f);

b. Demonstrates that Respondent Bajakian lacks the good moral character that is a continuing requirement for licensure under N.J.A.C. 13:44E-1A.1(a)(2); and

c. Palpably demonstrates that Respondent Bajakian's continued practice of chiropractic constitutes a clear and imminent danger to the public health, safety and welfare within the meaning of N.J.S.A. 45:1-22(h).

#### **FIFTH COUNT**

##### **Violation of the Board's Interim Consent Order.**

124. The General Allegations are repeated and realleged as if set forth at length herein.

125. The Board's Interim Consent Order of September 15, 2005, requires that a monitor, pre-approved by the Board, must be present whenever Respondent Bajakian renders treatment to any patient under the age of eighteen years. In addition, the Interim Consent Order

further provides that the monitor must submit to the Board a status report of observations of Respondent Bajakian's practice every thirty days. Exhibit E (Interim Consent Order) at ¶¶1 and 2.

126. Respondent Bajakian repeatedly, with different patients and on various dates, violated the Board's Interim Consent Order in that he provided care for patients under the age of eighteen years without the presence of a monitor that the Board pre-approved.

127. Respondent Bajakian's conduct in violating the Board's September 15, 2005 Interim Consent Order:

a. Constitutes professional misconduct in violation of N.J.A.C. 13:45-1.4, and as such further constitutes a violation of N.J.S.A. 45:1-21(h) and (e); and

b. Palpably demonstrates that Respondent Bajakian's continued practice of chiropractic constitutes a clear and imminent danger to the public health, safety and welfare within the meaning of N.J.S.A. 45:1-22(h).

128. Each instance in which Respondent Bajakian treated a patient under the age of eighteen without the Board-approved monitor, as required under the Interim Consent Order, is a distinct and separate violation of N.J.S.A. 45:1-21.

#### **SIXTH COUNT**

##### **Conviction under Third Indictment**

129. The General Allegations are repeated and realleged as if set forth at length herein.

130. On or about October 29, 2008 Respondent entered a Plea with the New Jersey Superior Court, Law Division - Criminal Part, in Passaic County based on his March 18, 2008 Indictment. Exhibit I (Plea Form), Exhibit J (Transcript of Plea Proceedings).

131. Respondent plead guilty to Count 1 of the Indictment for luring or enticing a child in violation of N.J.S.A. 2C:13-6 in the 2<sup>nd</sup> degree. Exhibit I, Exhibit J.

132. Respondent admitted to having telephone and computer conversations with Yngcuriusgirle15, a female who claimed to be fifteen years-old, wherein he stated he would pick her up at her home and take her somewhere with the purpose of engaging in sexual contact with the female as alleged in Count 1 of the Indictment. Exhibit J, 1T25:22-1T27:19 and 1T35:25-38:9.

133. Respondent plead guilty to Count 8 of the Indictment for luring or enticing a child in violation of N.J.S.A. 2C:13-6 in the 2<sup>nd</sup> degree. Exhibit I, Exhibit J.

134. Respondent admitted to having conversations with D.D., a fourteen year-old girl with the alias CuteNorthernGirl17, wherein he planned to meet her at his office in Paramus with an intent to take her somewhere and engage in some form of sexual contact as alleged in Count 8 of the Indictment. Exhibit J, 1T30:20-1T32:10 and 1T35:25-38:9.

135. Respondent plead guilty to Count 6 of the Indictment for possessing assault firearms in violation of N.J.S.A. 2C:39-5f in

the 3<sup>rd</sup> degree. Exhibit I, Exhibit J.

136. Respondent admitted to possessing and having control over an Uzi model B serial number SA64115, a semi-automatic weapon, as alleged in Count 6 of the Indictment. Exhibit J, 1T33:24-1T35:19 and 1T38:10-15.

137. On September 17, 2009, based on his convictions of Counts 1, 6 and 8 of the March 18, 2008 Indictment, Respondent was:

- a. sentenced to the custody of the Commissioner of the Department of Corrections to be imprisoned for a term of 5 years on Counts 1 and 8 and for a term of 3 years on Count 6, to be served concurrently,

- b. ordered to register as required under Megan's Law,

- c. given parole supervision for life,

- d. ordered to pay a V.C.C.B. penalties of \$150,

- e. ordered to pay a Safe Neighborhood Fund assessments of \$225,

- f. ordered to pay a Law Enforcement Officer Training Fund assessment of \$30, and

- e. ordered to provide a DNA sample as required pursuant to the Statewide Sexual Assault Nurse Examiner Program at a cost of \$800.

[Exhibit K (Transcript of Sentencing Proceedings),  
2T75:7-2T76:24]

138. The Judgement of Conviction against Respondent and Order

for Commitment was filed on September 17, 2009. Exhibit L (Judgement of Conviction).

139. Respondent's conviction conclusively evidences the use of professional or occupational misconduct, in violation of N.J.A.C. 13:45-1.4, and as such further constitutes a violation of N.J.S.A. 45:1-21(h) and (e); conviction of crimes of moral turpitude and relating adversely to the practice of medicine, in violation of N.J.S.A. 45:1-21(f) and a failure to demonstrate good moral character, in violation of N.J.S.A. 45:9-6 and are thus a basis for disciplinary sanction.

WHEREFORE, the Attorney General of New Jersey demands the entry of an Order against the Respondent Bryan Bajakian, D.C.:

1. For the immediate temporary suspension of Respondent's license to practice chiropractic in the State of New Jersey pending a full plenary hearing pursuant to N.J.S.A. 45:1-22;

2. For the suspension or revocation of Respondent's license to practice chiropractic pursuant to N.J.S.A. 45:1-21;

3. Directing Respondent to cease and desist the practice of chiropractic and from providing any health care services to any person in the State of New Jersey pursuant to N.J.S.A. 45:1-22(c);

4. Imposing penalties upon the Respondent for each separate offense set forth herein pursuant to N.J.S.A. 45:1-22(b) and N.J.S.A. 45:1-25;



5. Imposing costs upon the Respondent, including investigative costs, fees for expert witnesses, attorney's fees and costs of hearing, such as transcript costs pursuant to N.J.S.A. 45:1-25(d); and

6. For such other and further relief as the Board shall deem just and appropriate.

PAULA T. DOW  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:

A handwritten signature in black ink, appearing to read 'Carla Silva', written over a horizontal line.

Carla Silva  
Deputy Attorney General

Date: March 31, 2010


# VERIFICATION

CARLA SILVA, being of full age, certified that:

1. I am a Deputy Attorney General of the State of New Jersey and an attorney admitted to practice law in the State of New Jersey. I have been assigned to handle this matter and I am fully familiar the evidence submitted in support of the Verified Complaint.

2. The statements of fact contained in the within Verified Complaint as to Count Six are verified by the attached Plea Form dated October 29, 2008, Transcript of plea proceedings dated October 29, 2008, Transcript of sentencing proceedings dated September 17, 2009 and Judgement of Conviction and Order for Commitment dated September 17, 2009.

3. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Carla Silva

Dated: March 31, 2010

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**

APR 06 2010

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

By: Carla M. Silva  
Deputy Attorney General  
Tel. (973) 648-4741

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

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IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
:	
BRYAN BAJAKIAN, D.C. :	NOTICE OF HEARING
LICENSE NO. 38MC00262100 :	AND
:	
TO PRACTICE CHIROPRACTIC IN :	NOTICE TO FILE ANSWER
THE STATE OF NEW JERSEY :	TO
:	AMENDED VERIFIED COMPLAINT
:	
:	
:	

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TO: Miles Feinstein, Esq.  
1135 Clifton Ave.  
Clifton, NJ 07013  
Attorney for Bryan Bajakian, D.C.

SIR:

PLEASE TAKE NOTICE that an Amended Verified Complaint ("Complaint"), copy annexed hereto, has been made to the New Jersey Board of Chiropractic Examiners (the "Board") to consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board by N.J.S.A. 45:1-1 et seq., 45:41.17-1 et seq. and related

administrative regulations. The Board requires you to file an Answer to the above charges within thirty (30) days from service of the Complaint. You may file an Answer by mail to the address below.

Your answer should admit or deny each allegation in the Complaint. If you deny only a part of an allegation you shall specify as much of it as is true and shall deny only the remainder. If you are without knowledge or information sufficient to answer an allegation you shall so state. If you wish to present any affirmative defenses to the charges, your answer should set forth that statement of facts separately.

If you admit that the allegations of the Complaint are correct, or you state that you do not contest the charges or that your violation of the cited laws or rules or accepted standards of practice was unintentional, then no contested hearing in this proceeding will be necessary. Your case will then be presented to the Board for a final determination. You will be notified, and you will have the opportunity to appear at a brief hearing to offer written material or to make an oral presentation in mitigation of the penalty or sanction which would otherwise be imposed. The Board will then determine whether your license to practice should be suspended or revoked or a lesser sanction imposed. The Board will also consider whether investigative costs and/or monetary penalties and attorney fees should be assessed and, if so, the

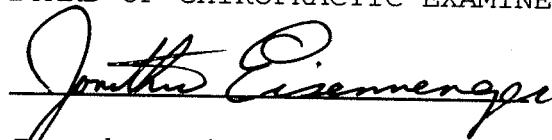
appropriate amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:1-14 et seq.

A denial of the charges in the Complaint will result in a formal hearing being conducted at a date, time and place to be determined by the Board or its designee which, upon notice to you, will hear the Complaint. Adjournments will not be granted except upon timely written application to the Board for good cause shown; any expenses incurred by the Board as a result thereof may be taxed to you. You may appear at the hearing either in person or by attorney or both and you shall be afforded an opportunity to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Notice to File an Answer or failure to appear as set forth herein may result in the matter being considered in your absence. A decision rendered by the Board may affect your privilege to practice your licensed profession in this State.

STATE BOARD OF CHIROPRACTIC EXAMINERS

By:

  
Jonathan Eisenmenger  
EXECUTIVE DIRECTOR

Dated: April 6, 2010

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF ALL CORRESPONDENCE TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS  
P.O. Box 45004  
Newark, New Jersey 07101

WITH A COPY TO:

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Attention: Carla M. Silva, Deputy Attorney General  
Division of Law  
P.O. Box 45029  
Newark, New Jersey 07101  
(973) 648-4741